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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,891	01/23/2004	Robert S. Tirey	D5396	7770

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EXAMINER

SKURDAL, COREY NELSON

ART UNIT PAPER NUMBER

3782

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/763,891

Applicant(s)

TIREY, ROBERT S.

Examiner

Corey N. Skurdal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2007 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

The amendment filed 3/26/2007 has been entered. Claims 13 and 14 of the previous Office Action mailed 1/23/2007 were incorrectly rejected under 35 USC 102(b). As such, a new Final Action is being presented as follows such as to clarify over the new claims 18 and 19, (previously 13 and 14).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6-8, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bush et al. (US 6,199,948).

Regarding claims 6 and 16, Bush et al discloses the invention as claimed including: a storage system 120 for use on a car seat back 14 with a forward slanting section (between seat back 14 and seat bottom 12), an upper section (Fig. 1 on seat back 22 and 24), and a rear 22; a seat frame 20 and 42, set in seat back 1; a cabinet 120 is mounted to the seat back, by means of mechanisms 34 and 40, the storage cabinet 120 having a top and base, sidewalls located there between, and outer and inner walls, the inner wall being located opposite the outer wall and adjacent the forward slanting section (see Figure 14); an interior compartment 124 defined by the intersection of the previous mentioned walls, the compartment having additional compartments inside for securing other objects (column 6, lines 3-6); and an attachment device. The

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attachment device comprises multiple receivers 34 attached to seat frame 20 and multiple tabs/tongues 82 which extend outwardly from the cabinet inner wall and engage the receivers 34, said tongues being releasably held within the receivers by a release mechanism 36.

Regarding claim 7, Bush et al. discloses exterior compartments 126 and 128 attached to the outer wall.

Regarding claim 8, Bush et al. discloses a storage unit on seat 10 with seat bottom 12, attached by pivot 18. See Figure 1.

In an alternate embodiment, Figure 15 and 15A, Bush et al. also discloses the invention of claims 6 and 16 including: a storage system 130 for use on a car seat back 14 with a forward slanting section (between seat back 14 and seat bottom 12), an upper section (Fig. 1 on seat back 22 and 24), and a rear 22; a seat frame 20 and 42, set in seat back 1; a cabinet 130 is mounted to the seat back, by means of mechanisms 34 and 40, the storage cabinet 130 having a top and base, sidewalls located there between, and outer and inner walls, the inner wall being located opposite the outer wall and adjacent the forward slanting section (see Figure 14); an interior compartment 148 defined by the intersection of the previous mentioned walls, the compartment having additional compartments 150 and 132 inside for securing other objects; and an attachment device. The attachment device comprises multiple receivers 34 attached to seat frame 20 and multiple tabs/tongues 82 which extend outwardly from the cabinet inner wall and engage the receivers 34, said tongues being releasably held within the receivers by a release mechanism 36.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. (US 6,199,948) in view of Bohnett (US 2,934,391).

Regarding claims 15 and 17, Bush et al. discloses the invention substantially as claimed and as applied to claims 6 and 16, but does not have the claimed combination of the cabinet and a removable partition. However, Bohnett discloses a organizing cabinet for use in a vehicle including a cabinet 13 with slots 23 and 28 on the inner wall and removable partitions 24 and 29 adapted to engage the slot. Therefore it would have been obvious to one skilled in the art at the time of invention to provide Bush et al, specifically the embodiment of Figure 15 with slots and removable partitions in order to allow users to selectively secure various items within the cabinet.

Regarding claim 18, the modified embodiment 15 of Bush et al. discloses the claimed invention but does not have exterior compartments attaching to the outer wall of the storage unit. However, Bush et al. does teach embodiments which have exterior compartments, for example embodiments 14, 17 and 18. As such it would have been obvious to one skilled in the art at the time of invention to combine the various embodiments of Bush et al. such as to provide the storage unit of Figure 15 with exterior

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compartments attached to the outer wall in order to increase the storage capacity of the unit.

Regarding claim 19, modified Bush et al. teaches the claimed invention with the storage unit on seat 10 with seat bottom 12, attached by pivot 18.

Response to Arguments

5. Applicant's arguments filed 3/26/2007 have been fully considered but they are not persuasive.

Applicant has again argued that Bush et al. does not teach the storage unit having multiple tabs engaging the seat frame. However as presented in the last Office Action, Examiner is considering the module 20 as mounted to the frame 42 to constitute applicant's "seat frame". As written there is no structure in the claim as to what constitutes the seat frame, rather, a "seat frame" is broadly claimed as being present within the seat. As there is no specific structure to distinguish the module 20 together with the frame 42 from being considered applicant's "seat frame", Examiner is maintaining the previous stated position.

Applicant's arguments have effectively stated that the tongues 70 may only engage the seat frame 76, and no other intermediate portion on the seat. This is contrary to Applicants disclosure of paragraph 23 and Figure 3 in which the tongues 70 may first engage the receivers 68, the receivers 68 being mounted to the seat frame. As stated in the previous Office Action, this is effectively the equivalent of the Bush et al. device.

Applicant has further argued that even with the module 20 being considered part of the seat frame, it is not located within or inside of the seat back. Bush et al. clearly shows the frame 42 being within the seat, and furthermore the module 20 being within the seat back, in particular noting Figure 2 in which the module is significantly recessed within the seat back. Applicants disclosure in paragraph 23 and Figure 3 that receivers 68 may be integral with seat frame 76, indicate that a portion of Applicant's seat frame is located at the outside/exterior of the seat back. Figure 3 clearly illustrates that the receivers 68 are located at the back exterior of the seat, in a similar manor as is disclosed by Bush et al. Furthermore, the claim does not require the entire seat frame to be enclosed by the seat back. In as much as Applicant's seat frame 76 with receivers 68 is within or inside the seat back, the Bush et al. device with frame 42 and receiver 20 is considered by Examiner to be within or inside the seat back.

The argument regarding the rejection of claims 13 and 14, now numbered claims 18 and 19, have been noted. Claims 18 and 19 have been rejected as applied above.

Applicant has also argued that the tabs/tongues 82 are not releasably held within the receivers by a release mechanism. While it is noted that the tabs/tongues are not directly connected to the latch member 40 and latch mechanism 36, it is noted that the latch mechanism certainly enables the tabs/tongues to be selectively and releasably secured within the receivers. There is no particular structure claimed as how the tongue is releasably engaged with the receiver.

Applicant has further argued that the Bush et al. reference fails to disclose multiple tongues which extend outwardly from the inner wall of the cabinet. However, in

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as much as the tongues 82 of Bush et al. clearly extend outwardly from cabinet, the tongues are also considered to extend from the inner wall of the cabinet.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey N. Skurdal whose telephone number is 571-272-9588. The examiner can normally be reached on M-Th 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CNS
4/11/2007


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER